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IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

REESE M. JONES,)	Case No. CV-04-05357 JW (RS)
)	(Related Cases: CV-06-2064 JW (RS),
Plaintiff,)	CV-03-04518 JW (RS)
)	
v.)	APPLICATION TO
)	CONTINUE HEARING AND
DEUTSCHE BANK, AG a corporation, et al.)	XXXXXX ORDER
)	
)	Hearing: December 27, 2006 at 9:30 a.m.
)	

The United States of America respectfully requests that the Court continue the hearing on the United States' Motion for Stay of One Deposition Pending Completion of S.D.N.Y. *Stein* Criminal Tax Shelter Trial currently scheduled for November 22, 2006, at 9:30 a.m., to December 27, 2006, at 9:30 a.m. The grounds for this request are:

1. The United States filed a Motion to Stay the Piovchetti deposition in this case pending the completion of the *Stein* criminal trial. Subsequently, the United States modified its request to stay the deposition until May 1, 2007 - just prior to the *Jones* discovery cutoff date. That motion is scheduled for hearing on Wednesday, November 22, 2006 before Magistrate Judge Richard

1 Seeborg.

2 2. On November 13, Judge Kaplan in the S.D.N.Y. issued a memorandum and order in
3 *United States v. Stein*, et al., SI 05 Crim 0888 (LAK)(S.D.N.Y.) adjourning the trial. Judge
4 Kaplan scheduled a conference on December 20, 2007 to consider possible trial dates.

5 3. The United States and counsel for Plaintiff, Reese M. Jones, have conferred and
6 agreed to continue the hearing on the government's motion to stay the Piovanetti deposition until
7 after the December 20, 2006 status conference in *Stein* because one possible outcome of that
8 conference is to commence the *Stein* trial well after the discovery cutoff in this case. In that
9 event, the government would not seek to stay the Piovanetti deposition.

10 Accordingly, the United States respectfully requests that the Court continue the hearing
11 on the United States' Motion to stay the Piovanetti deposition currently scheduled for November
12 22, 2006, at 9:30 a.m., to December 27, 2006, at 9:30 a.m.

13 Dated this 20th day of November, 2006.

14 Respectfully submitted,

15 KEVIN V. RYAN
16 United States Attorney

17 /s/ Cynthia Stier
18 CYNTHIA STIER
19 Assistant United States Attorney
Attorneys for the United States of America

20 **ORDER**

21 Pursuant to the Application by the United States of America as set forth above, and for
22 good cause shown,

23 **IT IS HEREBY ORDERED** that the hearing date on the United States' Motion for Stay
24 of One Deposition currently scheduled for November 22, 2006, at 9:30 a.m., is rescheduled to
25 December 27, 2006, at 9:30 a.m.

26 Dated: November 20, 2006

27 
28 RICHARD SEEBORG
United States Magistrate Judge _____

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Jones v. Deutsche Bank, et al. Case No.
CV-04-05357 JW (RS)
Application to Continue Hearing
and [proposed] Order